

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THOMAS LUNDY,)	Case No.: 14-CV-00430-LHK
)	
Plaintiff,)	ORDER ADOPTING REPORT AND
v.)	RECOMMENDATION; GRANTING
)	PLAINTIFF'S <i>EX PARTE</i>
BETH BRADACH,)	APPLICATION TO REMAND TO
)	STATE COURT; AND DENYING
Defendant.)	PLAINTIFF'S REQUEST FOR FEES
)	
)	
)	

Pending before the Court is Plaintiff's *ex parte* application for an order remanding this matter to Santa Clara County Superior Court and for attorney's fees relating to Plaintiff's application. (Docket No. 6.) Defendant has filed an opposition (Docket No. 7.) On February 5, 2014, Magistrate Judge Howard R. Lloyd issued a Report and Recommendation regarding Plaintiff's application, treating it as a properly noticed motion. (Docket No. 9.) No objections to the Report and Recommendation were received. The Court has considered the Report and Recommendation and agrees with the Magistrate Judge's reasoning. Accordingly, the Court ADOPTS the Report and Recommendation and orders as follows:

- 1. Plaintiff's *ex parte* application to remand is GRANTED.

- 1 2. The instant action is REMANDED to the Superior Court of California, County of Santa
2 Clara.
3 3. Plaintiff's request for attorney's fees is DENIED.
4 4. The Clerk shall close this file and terminate all pending matters.

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6 **IT IS SO ORDERED.**

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8 Dated: February 25, 2014

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LUCY H. KOH
United States District Judge

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